

### **REMARKS**

Applicant submits this paper as a supplement to Applicant's "After Final Amendment" filed December 4, 2008, in response to the Advisory Action mailed December 19, 2008. The Office Action of September 2, 2008, in view of the Advisory Action, has been carefully reviewed and these remarks are responsive thereto. Claims 10, 11, 22, and 23 were canceled previously. Claims 1-8, 12-20, and 24-26 are pending. No new matter has been added.

Applicant thanks the Examiner for indicating that claims 1-3, 8, 13-15, and 20 are allowable at pages 2 and 13-14 of the Office Action and page 2 of the Advisory Action. Reconsideration and allowance of the application, including the remaining claims, is respectfully requested.

#### ***Rejections Under 35 U.S.C. § 103***

Claims 4-7 and 16-19 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2002/0095486 A1 to Bahl ("Bahl") in view of U.S. Patent Application Publication No. 2001/0003443 A1 to Velazquez et al. ("Velazquez"). Applicant respectfully traverses this rejection.

The Examiner in the Advisory Action at page 2 contends that the amendments to independent claims 4 and 16 in Applicant's After Final Amendment raise new issues that require further search and consideration. Applicant has filed a Request for Continued Examination (RCE) with this paper in order to have the amendments to claims 4 and 16 entered and considered by the Examiner. Applicant refers the Examiner to pages 7-8 of Applicant's After Final Amendment, wherein Applicant discussed reasons why claims 4-7 and 16-19 are allowable over the applied references. Applicant incorporates those remarks herein by way of reference.

Claims 12 and 24 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application Publication No. 2004/0121810 A1 to Goransson et al. ("Goransson") in view of Velazquez. Applicant respectfully traverses this rejection.

Claim 12 recites features related to

“ . . . *adjusting a basis beam* . . . wherein . . . said adjusting step [is] responsive to each transmitted packet received from said mobile station at said access point.”

The Examiner in the Advisory Action at pages 2-3 contends that Velazquez demonstrates the above-noted features recited in claim 12. In view of the Examiner's remarks in the Advisory Action, Applicant believes that the Examiner has (inadvertently) misconstrued or mischaracterized Applicant's remarks at pages 7-8 of Applicant's After Final Amendment. Applicant provides the following remarks in an effort to clarify Applicant's previous remarks<sup>1</sup>.

In arguing for the patentability of claim 12 at page 8 of Applicant's After Final Amendment, Applicant referred to the rationale at page 7 of Applicant's After Final Amendment regarding claim 4. As discussed at page 7, at most Velazquez (at paragraph [0058]) describes adjusting a *select beam* responsive to each transmitted packet. Conversely, claim 12 recites features related to adjusting a *basis beam* responsive to each transmitted packet. As such, even assuming (without admitting) that the GPS location update taking place every two seconds described in Velazquez may appropriately be analogized to adjusting responsive to each transmitted packet received from a mobile station at an access point as recited in claim 12, *the update in Velazquez is, at most, conducted with respect to a select beam.*

The Examiner in the Office Action at page 8 correctly indicates that Goransson fails to disclose the above-noted features related to adjusting a basis beam as recited in claim 12. As such, notwithstanding whether the combination of references is proper, the combination fails to result in the above-noted features recited in claim 12. Claim 12 is allowable for at least the foregoing reasons.

Claim 24 recites features similar to those noted above with respect to claim 12. Claim 24 is allowable for at least reasons substantially similar to those discussed above with respect to claim 12.

Claims 25 and 26 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 7,043,272 B2 to Park et al. ("Park") in view of Velazquez. Applicant respectfully traverses this rejection.

Applicant refers the Examiner to pages 9-10 of Applicant's After Final Amendment filed December 4, 2008, wherein Applicant discussed reasons why the combination of Park and

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<sup>1</sup> Applicant notes that the Examiner's discussion of Velazquez at pages 2-3 of the Advisory Action in relation to claims 12 and 24 ultimately concludes with the Examiner arguing that Velazquez discloses an update of a GPS location every 2 seconds, and that updating the entry for the station is responsive to every transmission by the station as claimed. Applicant notes that the update recited in claim 12 is with respect to a basis beam, and the Examiner fails to address this aspect of the recited features.

Velazquez is improper with respect to independent claim 25 (and claim 26, which depends from claim 25). Applicant incorporates those remarks herein by way of reference.

In particular, at pages 9-10 of Applicant's After Final Amendment, Applicant discussed why one skilled in the art, starting from Park and taking Park as a whole, would not have had an apparent reason to modify the Park system to incorporate the alleged teachings of Velazquez. The Examiner in the Advisory Action fails to specifically address Applicant's remarks in this respect. Instead, the Examiner merely states what Velazquez shows without addressing Applicant's remarks regarding the (improper) combination of the references.

Pursuant to MPEP § 707.07(f), in the event that the Examiner maintains a rejection of claims 25 and 26 based on a combination of Park and Velazquez, Applicant respectfully requests the Examiner to specifically address the substance of Applicant's remarks regarding the improper combination of Park and Velazquez. Applicant respectfully submits that the combination of references is improper for at least the reasons discussed at pages 9-10 of Applicant's After Final Amendment, and that claims 25 and 26 are allowable for at least those reasons.

All rejections having been addressed, Applicant respectfully submits that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same.

Respectfully submitted,  
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